

FILED

DEC - 5 2007

OA 91 Criminal Complaint

United States District Court

NORTHERN

DISTRICT OF

CALIFORNIA

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLANDUNITED STATES OF AMERICA
v.

CRIMINAL COMPLAINT

ALEJANDRO BARAJAS

Case Number 4-07-70724 **WDB**

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state that the following is true and correct to the best of my knowledge and belief. On or about March 12, 2007 in Contra Costa County County, in the Northern District of California defendant(s) did,

(Track Statutory Language of Offense)

knowingly and intentionally distribute a Schedule II controlled substance, namely, approximately 15.6 grams of actual methamphetamine,

in violation of Title 21 United States Code, Section(s) 841(a)(1), (b)(1)(B)(viii)I further state that I am a(n) FBI Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT OF FBI SA NITIANA DOSS

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

Approved

As To

Form:

AUSA

AUSA GARTH HIRE

NITIANA DOSS

Name/Signature of Complainant

Sworn to before me and subscribed in my presence,

December 7 2007

Date

at

San Francisco, California

City and State

HON. MARIA-ELENA JAMES, U.S. MAG.

Name & Title of Judicial Officer

Signature of Judicial Officer

1 NORTHERN DISTRICT OF CALIFORNIA)
2) ss:
3 COUNTY OF SAN FRANCISCO)
4

4 **AFFIDAVIT**

5 I, Nitiana Doss, Special Agent of the Federal Bureau of Investigation, being duly sworn,
6 hereby declare as follows:

7 **I. INTRODUCTION**

8 1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and have
9 been so employed since August 2005. Currently I am assigned to the Violent Crimes and Major
10 Offender Squad at the Oakland Resident Agency, San Francisco Field Office, where my
11 responsibilities involve the investigation of gangs and narcotics. During my tenure in the FBI, I
12 have been involved in numerous investigations of gang-related narcotics traffickers. Several of
13 the investigations involved gangs and narcotics traffickers in the area of Pittsburg-Bay Point,
14 California. I have participated in physical and electronic surveillance, undercover narcotics
15 transactions, executed search warrants, and reviewed recorded conversations of drug traffickers.
16 As a federal agent, I am authorized to investigate violations of the laws of the United States and
17 am a law enforcement officer with authority to execute warrants issued under the authority of the
18 United States.

19 2. This affidavit is being submitted in support of a criminal complaint charging
20 ALEJANDRO BARAJAS with distribution of a Schedule II controlled substance, namely
21 methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B)(viii).

22 3. The statements contained in this affidavit are based on information provided to
23 me by law enforcement officers as well as my training, experience, and knowledge of this
24 investigation. Because this affidavit is being submitted for the limited purpose of supporting the
25 issuance of a criminal complaint, I have not included each and every fact known to me
26 concerning this investigation. I have set forth only those facts that I believe are necessary to
27 establish probable cause to support the complaint.
28

1 **III. PROBABLE CAUSE**

2 **A. Investigative Background**

3 4. The investigation that is the subject of this affidavit has focused on narcotics
4 trafficking and violence perpetrated by a group of people, including BARAJAS, in the area of
5 Pittsburg-Bay Point, California. This investigation is being conducted jointly by several law
6 enforcement agencies including the FBI, the Contra Costa County Sheriff's Office ("CCCSO"),
7 and the Concord Police Department ("CPD").

8 **B. Cooperating Witness One (CW-1)**

9 5. On or about May 2007, former CCCSO Detective Lance Santiago¹ told me that
10 over the last six years he has received information from a cooperating witness (CW-1)
11 concerning narcotics trafficking in the area of Pittsburg-Bay Point, California. Detective
12 Santiago told me that he and other CCCSO Detectives have utilized CW-1 for several years.
13 Detective Santiago is not aware of any instances during that time in which CW-1 has provided
14 false information. Detective Santiago has previously used CW-1 in several different
15 investigations including a state investigation involving narcotics trafficking in the Pittsburg-Bay
16 Point area and was able to corroborate information provided by CW-1. CW-1 has made
17 controlled purchases of methamphetamine at the direction and under the supervision of
18 Detective Santiago. Detective Santiago considers the information provided by CW-1 to be
19 reliable.

20 6. Additionally, I have met with CW-1 on dozens of occasions and have had an
21 opportunity to confirm the information CW-1 has given me on those occasions. I have reviewed
22 CW-1's criminal history, which dates back to the 1980's. CW-1 has previously been convicted of
23 misdemeanor possession of a hypodermic needle, prostitution, disorderly conduct, felony
24 escaping from jail with force or violence, misdemeanor petty theft, felony petty theft with a prior,
25 felony making of false checks, and burglary. CW-1 has previously been arrested for being under
26

27 ¹ Santiago is now an Officer with the newly created San Ramon Police Department and
28 has been since approximately June 2007.

1 the influence of a controlled substance, theft of personal property, impersonating another person
2 to make them liable, possession of a controlled substance and a hypodermic needle, being under
3 the influence of a controlled substance, loitering and obstruction of justice, disorderly conduct,
4 providing false information to a peace officer, and receiving stolen property.

5 7. I know that CW-1 has provided information that has led to the arrest of several
6 fugitives. CW-1 provided information that has been used in state search warrants.

7 8. CW-1 is currently in custody for a parole violation and has been since October
8 2007. CW-1 was providing assistance on this and other related criminal matters in exchange for
9 the payment of future relocation and related expenses by the FBI. CW-1 made approximately
10 five controlled purchases of methamphetamine at my direction. These purchases were made with
11 covert audio and video recording equipment. CW-1 has been paid \$6,000 for compensation and
12 for relocation expenses.

13 C. Controlled Purchase Of Methamphetamine By CW-1 From BARAJAS On
14 March 12, 2007

15 9. On March 12, 2007, CW-1 conducted a controlled purchase of methamphetamine
16 from BARAJAS under the supervision of law enforcement personnel. CW-1 placed a call to
17 BARAJAS at (925) 727-7464. During the recorded telephone call, BARAJAS agreed to sell
18 CW-1 an ounce of methamphetamine for \$850.

19 10. CW-1 and CW-1's vehicle were searched to ensure that CW-1 had no narcotics or
20 cash not provided by the FBI. CW-1 was equipped with a covert audio/video recording device.
21 CW-1 was provided with \$850 to purchase methamphetamine and given instructions on how to
22 conduct the transaction. CW-1 drove to 80 Bayview Avenue, Pittsburg, California, in Contra
23 Costa County. CW-1 had met BARAJAS there on several prior occasions to purchase
24 methamphetamine. Because BARAJAS was not there, CW-1 placed a call to BARAJAS at (925)
25 727-7464. BARAJAS told CW-1 he would be right there. BARAJAS arrived a short time later
26 in a four door blue sedan. CW-1 got in the car with BARAJAS. BARAJAS asked if CW-1 had
27 the money. When CW-1 indicated CW-1 did have the money, BARAJAS exited the car and
28 went to an apartment near where he and CW-1 were parked. BARAJAS returned a short time

1 later. CW-1 gave BARAJAS \$850 and thereafter BARAJAS gave CW-1 a plastic baggy
2 containing an ounce of suspected methamphetamine and five dollars in change. CW-1 also asked
3 BARAJAS if it would be possible to get a pound of methamphetamine. BARAJAS told the
4 source it would be no problem. A short time later a baggy containing suspected
5 methamphetamine was recovered from CW-1. This substance was later analyzed by a Drug
6 Enforcement Administration Chemist and determined to be 20.8 grams of a mixture and
7 substance containing 15.6 grams of actual methamphetamine.

8 11. I have reviewed the audio/video recording of the controlled purchase of
9 methamphetamine by CW-1 from BARAJAS on March 12, 2007. The video clearly shows CW-
10 1 meeting with BARAJAS inside a vehicle. After BARAJAS asked CW-1 if CW-1 had the
11 money, he exited the vehicle. CW-1 can be seen counting the money and placing it in piles to
12 make it easier to count. When BARAJAS returned to the vehicle, he can be seen giving the
13 source a plastic baggy containing a white crystalline substance.

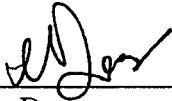
14 **D. Arrest and Interview of BARAJAS**

15 12. On December 3, 2007, federal and state law enforcement personnel executed
16 several federal search and arrest warrants of places and persons associated with BARAJAS and
17 others with whom BARAJAS distributes narcotics. At about 1:30 p.m., at Dave's Liquor Store,
18 in Pittsburg, California, CCCSO Deputies Jose Beltran and Christopher Martinez arrested
19 BARAJAS for distributing methamphetamine on March 12, 2007.

20 13. BARAJAS was brought to the CCCSO Field Operations Bureau for questioning.
21 SA Doug Hunt and I interviewed BARAJAS. SA Hunt informed BARAJAS of his *Miranda*
22 rights, which he waived pursuant to a written FBI form. BARAJAS was shown the video/audio
23 recording depicting the distribution of methamphetamine by him to CW-1 on March 12, 2007.
24 Among other statements, BARAJAS said the following. After initially denying that he was the
25 person depicted on the video/audio recording, BARAJAS eventually admitted that it was him in
26 the recording and that he was distributing methamphetamine to CW-1 and identified CW-1 by
27 name. BARAJAS admitted selling narcotics prior to selling methamphetamine to CW-1.
28

1 **III. CONCLUSION**

2 14. For the reasons stated above, I submit that there is probable cause to believe that
3 ALEJANDRO BARAJAS knowingly and intentionally distributed a Schedule II controlled
4 substance, namely, approximately 15.6 grams of actual methamphetamine on March 12, 2007, in
5 violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B)(viii).

6
7 
8 Nitiana Doss
9 Special Agent, Federal Bureau of Investigation

10 Sworn to before me this

11 5 day of December

12
13 
14 HONORABLE MARIA-ELENA JAMES
15 UNITED STATES MAGISTRATE JUDGE
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AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☒ COMPLAINT ☐ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING**OFFENSE CHARGED**Distribution of Methamphetamine
(21 U.S.C. 841(a)(1), (b)(1)(B)
(viii))☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony**PENALTY:**

SEE ATTACHMENT A

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA**DEFENDANT - U.S.**

ALEJANDRO BARAJAS

DISTRICT COURT NUMBER

DEFENDANT**IS NOT IN CUSTODY**

- 1) ☐ Has not been arrested, pending outcome this proceeding.
If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☒ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State
- If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No } If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

12/3/2007

Or... If Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCEEDING**Name of Complainant Agency, or Person (& Title, if any)
FEDERAL BUREAU OF INVESTIGATION☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underName and Office of Person
Furnishing Information on
THIS FORM

SCOTT N. SCHOOLS

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y
(if assigned)

AUSA GARTH HIRE

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**☐ SUMMONS ☐ NO PROCESS*☒ WARRANT

Bail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

**ATTACHMENT A
PENALTY SHEET**

UNITED STATES v. ALEJANDRO BARAJAS

(21 U.S.C. §§ 841(a)(1), (b)(1)(B)(viii))

If 21 U.S.C. § 851 Information alleging prior felony narcotics conviction NOT FILED:

Imprisonment:	Maximum 40 Years Imprisonment Mandatory Minimum 5 Years Imprisonment
Fine:	Maximum \$2,000,000
Supervised Release:	Maximum Lifetime Supervised Release Mandatory Minimum 4-Year Term of Supervised Release
Special Assessment:	\$100

If 21 U.S.C. § 851 Information alleging prior felony narcotics conviction FILED:

Imprisonment:	Maximum Life Imprisonment Mandatory Minimum 10 Years Imprisonment
Fine:	Maximum \$4,000,000
Supervised Release:	Maximum Lifetime Supervised Release Mandatory Minimum 8-Year Term of Supervised Release
Special Assessment:	\$100